

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: Victor P. Kearney,

Debtor.

§
§
§
§

Case No.: 17-12274

NOTICE OF APPEAL

Part 1: Identify the appellant(s)

1. Name of appellant(s):

Victor P. Kearney

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe)

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☒ Debtor
☐ Creditor
☐ Trustee
☐ Other _____

Part 2: Identify the appellee:

1. Name of appellee(s):

Official Committee of Unsecured Creditors. For information regarding Appellee's counsel, please reference Part 4 below.

Part 3: Identify the subject of this appeal

1. Describe the judgement, order, or decree appealed from:

Order Denying Debtor's Motion for Reconsideration [Docket No. 253], attached hereto as **Exhibit A**, and *Order Denying Second Motion to Extend Exclusivity* [Docket No. 240], attached hereto as **Exhibit B**.

2. State the date on which the judgment, order, or decree was entered: May 25, 2018.

Part 4: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party:

Attorney:

Debtor

Victor P. Kearney
4700 Hannett Avenue NE
Albuquerque, New Mexico 871110

Attorneys for Debtor

Marcus A. Helt (TX 24052187)
**FOLEY GARDERE
FOLEY & LARDNER LLP**
2021 McKinney Avenue, Suite 1600
Dallas, Texas 75201
Phone: 214.999.3000 / Fax: 214.999.4667
mhelt@foley.com

U.S. Trustee

United States Trustee
PO Box 608
Albuquerque, New Mexico 87103

Attorney for U.S. Trustee

Alice Nystel Page
Office of the U.S. Trustee
PO Box 608
Albuquerque, New Mexico 87103-0608
Phone: 505-248-6550
Fax: 505-248-6558
Alice.N.Page@usdoj.gov

Creditor

Unsecured Creditors Committee
c/o **WALKER & ASSOC., P.C.**
500 Marquette NW #650
Albuquerque, New Mexico 87102
Phone: 505-766-9272

Attorneys for Creditor

Chris W Pierce
WALKER & ASSOCIATES, P.C.
500 Marquette N.W., Suite 650
Albuquerque, New Mexico 87102
Phone: 505-766-9272
Fax : 505-766-9287
cpierce@walkerlawpc.com

Part 5: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel

Part 6: Sign Below

Dated: June 8, 2018

Respectfully submitted,

/s/ Marcus A. Helt

Marcus A. Helt (TX 24052187)

FOLEY GARDERE

FOLEY & LARDNER LLP

2021 McKinney Avenue, Suite 1600

Dallas, Texas 75201

Phone: 214.999.3000 / Fax: 214.999.4667

mhelt@foley.com

COUNSEL FOR THE DEBTOR

(Admitted Pro Hac Vice)

CERTIFICATE OF SERVICE

I hereby certify that, on June 8, 2018, a true and correct copy of the foregoing document was served electronically by the Court's PACER system.

/s/ Marcus A. Helt

Marcus A. Helt

EXHIBIT A

See the Order Attached

EXHIBIT B

See the Order Attached